

GREGORY T. LUSBY, OSB No. 933490

glusby@arnoldgallagher.com

ARNOLD GALLAGHER P.C.

800 Willamette Street, Suite 800

Eugene, Oregon 97401-2996

Telephone: (541) 484-0188

Facsimile: (541) 484-0536

Of Attorneys for Defendant Bateson

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**RACHEL MARIE MONTGOMERY
RAY**, an individual; and **RIKKIANNE
CHATFIELD**, an individual,

Plaintiffs,

vs.

**DZOGCHEN SHRI SINGHA
FOUNDATION USA, INC.**, a Nevada
corporation authorized to do business in
Oregon; **DZOGCHEN SHRI SINGHA
OF PORTLAND**, an Oregon corporation;
**DZOGCHEN BUDDHA PATH
INTERNATIONAL, INC.**, an Oregon
corporation; **CARRIE URE**, an individual;
SEAN YOUNG, an individual;
SHANNON YOUNG, an individual; **TIM
BATESON**, an individual; and **ERIK
JUNG**, an individual;

Defendants.

Case No. 3:23-cv-00233-SI

**DEFENDANT TIM BATESON'S
ANSWER TO PLAINTIFFS' FIRST
AMENDED COMPLAINT**

Defendant Tim Bateson (hereinafter "Defendant Bateson"), by and through his attorney, Gregory T. Lusby hereby answers Plaintiffs' First Amended Complaint as follows:



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

PRELIMINARY STATEMENT

1.

Defendant Bateson admits Montgomery and Chatfield were students and/or childcare providers at the Center. Except as expressly admitted herein, Defendant Bateson denies the remainder of Paragraph 1 of Plaintiffs' First Amended Complaint.

2.

Defendant Bateson admits Choga is a spiritual leader of the Dzogchen lineage of Tibetan Buddhism. Except as expressly admitted herein, Defendant Bateson denies the remainder of Paragraph 2 of Plaintiffs' First Amended Complaint.

3.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 3 of the First Amended Complaint and therefore denies the same.

4.

Defendant Bateson admits Choga is a spiritual leader of the Dzogchen lineage of Tibetan Buddhism. Except as expressly admitted herein, Defendant Bateson denies the remainder of Paragraph 4 of Plaintiffs' First Amended Complaint.

5.

Defendant Bateson denies Paragraph 5 of Plaintiffs' First Amended Complaint.

6.

Defendant Bateson denies Paragraph 6 of Plaintiffs' First Amended Complaint.

7.

Defendant Bateson denies Paragraph 7 of Plaintiffs' First Amended Complaint.

8.

Defendant Bateson denies Paragraph 8 of Plaintiffs' First Amended Complaint.

9.

Defendant Bateson denies Paragraph 9 of Plaintiffs' First Amended Complaint.



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

JURISDICTION

10.

Defendant Bateson admits Paragraph 10 of Plaintiff's First Amended Complaint.

PARTIES

11.

Upon information and belief, Defendant Bateson admits Plaintiff Montgomery is a resident of the state of Washington. Defendant Bateson denies the remainder of Paragraph 11.

12.

Upon information and belief, Defendant Bateson admits that Plaintiff Chatfield is a resident of the state of Oregon.

13.

Defendant Bateson admits he has served on the Dzogchen Shri Singha Foundation USA board from 2009 to present (as Treasurer from May 2009 to June 2021 and as Vice President from June 2021 to present) and John Sullard served on the Dzogchen Shri Singha Foundation USA board from January 2002 to June 2015 as President. The remainder of Paragraph 13 relates to other named co-defendants to which they may respond and no such response is required from Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

14.

Defendants admits that Rodney Yoder served on the Dzogchen Shri Singha of Portland board from 2010 to present (as President from 2011 to 2012 and as Treasurer from 2013 to present). Defendant Bateson further admits Rodney Yoder was the former registered agent for DSSP. Defendant Bateson denies the remainder of Paragraph 14. The remainder of Paragraph 14 relates to other named co-defendants to which they may



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

respond and no such response is required from Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

15.

Paragraph 15 of the First Amended Complaint relates to other named co-defendants to which they may respond, and no such response is required from Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

16.

Paragraph 16 of Plaintiffs' First Amended Complaint does not allege facts and therefore does not require an answer.

17.

Paragraph 17 of the First Amended Complaint relates to other named co-defendants to which they may respond, and no such response is required from Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

18.

Paragraph 18 of the First Amended Complaint relates to other named co-defendants to which they may respond, and no such response is required from Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

19.

Paragraph 19 of the First Amended Complaint relates to other named co-defendants to which they may respond, and no such response is required from



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

20.

Defendant Bateson admits he is an adult residing in Lane County. Defendant Bateson further admits and alleges he served as Treasurer for Dzogchen Shri Singha Foundation USA from 2009 to 2021, and served as Vice President for Dzogchen Buddha Path International, Inc from 2018 to present, and acted within the scope of these roles. Defendant Bateson admits he participated in Buddhist activities. Defendant Bateson denies the remainder of paragraph 20.

21.

Paragraph 21 of the First Amended Complaint relates to other named co-defendants to which they may respond, and no such response is required from Defendant Bateson. To the extent that a response is required, Defendant Bateson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

22.

Paragraph 22 of the First Amended Complaint does not allege facts and therefore does not require an answer.

23.

Defendant Bateson admits that members of the public have been invited to participate in activities at the Dzogchen Retreat Center but denies the remainder of paragraph 23.

FACTUAL ALLEGATIONS

24.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 24 of the First Amended Complaint and



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

therefore denies the same.

25.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 25 of the First Amended Complaint and therefore denies the same.

26.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 26 of the First Amended Complaint and therefore denies the same.

27.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 27 of the First Amended Complaint and therefore denies the same.

28.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 28 of the First Amended Complaint and therefore denies the same.

29.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 29 a of the First Amended Complaint and therefore denies the same.

30.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 30 of the First Amended Complaint and therefore denies the same.

31.

Defendant Bateson lacks knowledge or information sufficient to form a belief



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

about the truth of the allegations in paragraph 31 of the First Amended Complaint and therefore denies the same.

32.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 32 of the First Amended Complaint and therefore denies the same.

33.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 33 of the First Amended Complaint and therefore denies the same.

34.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 34 of the First Amended Complaint and therefore denies the same.

35.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 35 of the First Amended Complaint and therefore denies the same.

36.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 36 of the First Amended Complaint and therefore denies the same.

37.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37 of the First Amended Complaint and therefore denies the same.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

38.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 38 of the First Amended Complaint and therefore denies the same.

39.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 39 of the First Amended Complaint and therefore denies the same.

40.

Defendant Bateson admits Choga is a spiritual leader of the Dzogchen lineage of Tibetan Buddhism. Except as expressly admitted herein, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40 of the First Amended Complaint and therefore denies the same.

41.

Defendant Bateson admits Choga is a spiritual leader of the Dzogchen lineage of Tibetan Buddhism. Except as expressly admitted herein, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 41 of the First Amended Complaint and therefore denies the same.

42.

Paragraph 42 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore deny the same.

43.

Paragraph 43 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

about the truth of the allegations and therefore deny the same.

44.

Defendant Bateson denies paragraph 44 of the First Amended Complaint.

45.

Defendant Bateson denies paragraph 45 of the First Amended Complaint.

46.

Defendant Bateson denies paragraph 46 of the First Amended Complaint.

47.

Defendant Bateson denies paragraph 47 of the First Amended Complaint.

48.

Defendant Bateson denies paragraph 48 of the First Amended Complaint.

49.

Defendant Bateson denies paragraph 49 of the First Amended Complaint.

50.

Defendant Bateson denies paragraph 51 of the First Amended Complaint.

51.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 51 of the First Amended Complaint and therefore denies the same.

52.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 52 of the First Amended Complaint and therefore denies the same.

53.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 53 of the First Amended Complaint and therefore denies the same.



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

54.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 54 of the First Amended Complaint and therefore denies the same.

55.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 55 of the First Amended Complaint and therefore denies the same.

56.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 56 of the First Amended Complaint and therefore denies the same.

57.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 57 of the First Amended Complaint and therefore denies the same.

58.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 58 of the First Amended Complaint and therefore denies the same.

59.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 59 of the First Amended Complaint and therefore denies the same.

60.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 60 of the First Amended Complaint and



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

therefore denies the same.

61.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 61 of the First Amended Complaint and therefore denies the same.

62.

Defendant Bateson denies paragraph 62 of the First Amended Complaint.

63.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 63 of the First Amended Complaint and therefore denies the same.

64.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 64 of the First Amended Complaint and therefore denies the same.

65.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 65 of the First Amended Complaint and therefore denies the same.

66.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 66 of the First Amended Complaint and therefore denies the same.

67.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 67 of the First Amended Complaint and therefore denies the same.



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

68.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 68 of the First Amended Complaint and therefore denies the same.

69.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 69 of the First Amended Complaint and therefore denies the same.

70.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 70 of the First Amended Complaint and therefore denies the same.

71.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 71 of the First Amended Complaint and therefore denies the same.

72.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 72 of the First Amended Complaint and therefore denies the same. To the extent Paragraph 72 of the First Amended Complaint is directed toward him, he denies the same.

73.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 73 of the First Amended Complaint and therefore denies the same.

74.

Defendant Bateson lacks knowledge or information sufficient to form a belief



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

about the truth of the allegations in paragraph 74 of the First Amended Complaint and therefore denies the same.

75.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 75 of the First Amended Complaint and therefore denies the same.

76.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 76 of the First Amended Complaint and therefore denies the same.

77.

Defendant Bateson admits that events were held at the Center but denies the remainder of paragraph 77 of the First Amended Complaint.

78.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 78 of the First Amended Complaint and therefore denies the same.

79.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 79 of the First Amended Complaint and therefore denies the same.

80.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 80 of the First Amended Complaint and therefore denies the same.

81.

Defendant Bateson lacks knowledge or information sufficient to form a belief



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

about the truth of the allegations in paragraph 81 of the First Amended Complaint and therefore denies the same.

82.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 82 of the First Amended Complaint and therefore denies the same.

83.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 83 of the First Amended Complaint and therefore denies the same. To the extent Paragraph 83 of the First Amended Complaint is directed toward him, he denies the same, including that he “aided and abetted” the alleged conduct.

84.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84 of the First Amended Complaint and therefore denies the same.

85.

Paragraph 85 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies the same.

86.

Defendant Bateson admits Plaintiff Montgomery sent a letter in or around September 14, 2014 to John Sullard and John Sullard responded on October 6, 2014. The writings speak for themselves, and to the extent the allegations in paragraph 86 of the First Amended Complaint deviate from the writings, they are denied. To the extent paragraph 86 of the First Amended Complaint makes further factual allegations, they are



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

denied.

87.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87 of the First Amended Complaint and therefore denies the same.

88.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 88 of the First Amended Complaint and therefore denies the same.

89.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 89 of the First Amended Complaint and therefore denies the same.

90.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90 of the First Amended Complaint and therefore denies the same.

91.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 91 of the First Amended Complaint and therefore denies the same.

92.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 92 of the First Amended Complaint and therefore denies the same.

93.

Defendant Bateson lacks knowledge or information sufficient to form a belief



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

about the truth of the allegations in paragraph 93 of the First Amended Complaint and therefore denies the same.

94.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 94 of the First Amended Complaint and therefore denies the same.

95.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 95 of the First Amended Complaint and therefore denies the same.

96.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 96 of the First Amended Complaint and therefore denies the same.

97.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 97 of the First Amended Complaint and therefore denies the same.

98.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 98 of the First Amended Complaint and therefore denies the same.

99.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 99 of the First Amended Complaint and therefore denies the same.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

100.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 100 of the First Amended Complaint and therefore denies the same.

101.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 101 of the First Amended Complaint and therefore denies the same.

102.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 102 of the First Amended Complaint and therefore denies the same.

103.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 103 of the First Amended Complaint and therefore denies the same.

104.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 104 of the First Amended Complaint and therefore denies the same.

105.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 105 of the First Amended Complaint and therefore denies the same.

106.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 106 of the First Amended Complaint and



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

therefore denies the same.

107.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 107 of the First Amended Complaint and therefore denies the same.

108.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 108 of the First Amended Complaint and therefore denies the same.

109.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 109 of the First Amended Complaint and therefore denies the same.

110.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 110 of the First Amended Complaint and therefore denies the same.

111.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 111 of the First Amended Complaint and therefore denies the same.

112.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 112 of the First Amended Complaint and therefore denies the same.

113.

Defendant Bateson denies Paragraph 113 of the First Amended Complaint.



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

114.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 114 of the First Amended Complaint and therefore denies the same.

115.

Paragraph 115 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies the same.

116.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 116 of the First Amended Complaint and therefore denies the same.

117.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 117 of the First Amended Complaint and therefore denies the same.

118.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 118 of the First Amended Complaint and therefore denies the same.

119.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 119 of the First Amended Complaint and therefore denies the same.

120.

Defendant Bateson lacks knowledge or information sufficient to form a belief



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

about the truth of the allegations in paragraph 120 of the First Amended Complaint and therefore denies the same.

121.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 121 of the First Amended Complaint and therefore denies the same.

122.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 122 of the First Amended Complaint and therefore denies the same.

123.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 123 of the First Amended Complaint and therefore denies the same.

124.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 124 of the First Amended Complaint and therefore denies the same.

125.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 125 of the First Amended Complaint and therefore denies the same.

126.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 126 of the First Amended Complaint and therefore denies the same.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

127.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 127 of the First Amended Complaint and therefore denies the same.

128.

Defendant Bateson denies Paragraph 128 of the First Amended Complaint.

129.

Defendant Bateson denies paragraph 129 of the First Amended Complaint.

130.

Defendant Bateson denies paragraph 130 of the First Amended Complaint.

131.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 131 of the First Amended Complaint and therefore denies the same.

132.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 132 of the First Amended Complaint and therefore denies the same.

133.

Defendant Bateson denies paragraph 133 of the First Amended Complaint.

134.

Defendant Bateson denies paragraph 134 of the First Amended Complaint.

135.

Defendant Bateson denies paragraph 135 of the First Amended Complaint.

136.

Defendant Bateson denies paragraph 136 of the First Amended Complaint.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

137.

Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 137 of the First Amended Complaint and therefore denies the same.

138.

Paragraph 138 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies the same.

139.

Paragraph 139 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies the same.

140.

Defendant Bateson denies paragraph 140 of the First Amended Complaint.

141.

Defendant Bateson denies paragraph 141 of the First Amended Complaint.

142.

Defendant Bateson denies paragraph 142 of the First Amended Complaint.

143.

Defendant Bateson restates and alleges his answers above.

144.

Defendant Bateson denies paragraph 144 of the First Amended Complaint.

145.

Defendant Bateson denies paragraph 145 of the First Amended Complaint.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

146.

Defendant Bateson denies paragraph 146 of the First Amended Complaint.

147.

Defendant Bateson denies paragraph 147 of the First Amended Complaint.

148.

Defendant Bateson restates and realleges his answers above.

149.

Defendant Bateson denies paragraph 149 of the First Amended Complaint and all of its subparts.

150.

Defendant Bateson denies paragraph 150 of the First Amended Complaint.

151.

Defendant Bateson restates and realleges his answers above.

152.

Paragraph 152 of the First Amended Complaint pertains to one or more co-defendants, and as such no response is required. To the extent the court requires a response, Defendant Bateson lacks knowledge or information sufficient to form a belief about the truth of the allegations and therefore denies the same.

153.

Defendant Bateson denies paragraph 153 of the First Amended Complaint.

154.

Defendant Bateson denies paragraph 154 of the First Amended Complaint.

155.

Defendant Bateson denies paragraph 155 of the First Amended Complaint.

156.

Defendant Bateson denies paragraph 156 of the First Amended Complaint.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

157.

Defendant Bateson denies paragraph 157 of the First Amended Complaint.

158.

Defendant Bateson denies paragraph 158 of the First Amended Complaint.

159.

Defendant Bateson denies paragraph 159 of the First Amended Complaint.

160.

Defendant Bateson restates and realleges his answers above.

161.

Defendant Bateson denies paragraph 161 of the First Amended Complaint.

162.

Defendant Bateson denies paragraph 162 of the First Amended Complaint.

163.

Defendant Bateson denies paragraph 163 of the First Amended Complaint.

164.

Defendant Bateson denies paragraph 164 of the First Amended Complaint.

165.

Defendant Bateson denies paragraph 165 of the First Amended Complaint.

166.

Defendant Bateson denies paragraph 166 of the First Amended Complaint.

167.

Defendant Bateson denies paragraph 167 of the First Amended Complaint.

168.

Defendant Bateson denies paragraph 168 of the First Amended Complaint.

169.

Defendant Bateson denies paragraph 169 of the First Amended Complaint.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

170.

Defendant Bateson denies paragraph 170 of the First Amended Complaint.

171.

Defendant Bateson restates and realleges his answers above.

172.

Defendant Bateson denies paragraph 172 of the First Amended Complaint.

173.

Defendant Bateson denies paragraph 173 of the First Amended Complaint.

174.

Defendant Bateson denies paragraph 174 of the First Amended Complaint.

175.

Defendant Bateson denies paragraph 175 of the First Amended Complaint.

176.

Defendant Bateson denies paragraph 176 of the First Amended Complaint and all of its subparts.

177.

Defendant Bateson denies paragraph 177 of the First Amended Complaint.

178.

Defendant Bateson restates and realleges his answers above.

179.

Defendant Bateson denies paragraph 179 of the First Amended Complaint.

180.

Defendant Bateson denies paragraph 180 of the First Amended Complaint.

181.

Defendant Bateson denies paragraph 181 of the First Amended Complaint.

182.

Defendant Bateson denies paragraph 182 of the First Amended Complaint.



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

183.

Defendant Bateson denies paragraph 183 of the First Amended Complaint.

184.

Defendant Bateson denies paragraph 184 of the First Amended Complaint.

185.

Defendant Bateson denies paragraph 185 of the First Amended Complaint.

186.

Defendant Bateson realleges and incorporates by reference his answers above.

187.

Defendant Bateson denies paragraph 187 of the First Amended Complaint.

188.

Defendant Bateson denies paragraph 188 of the First Amended Complaint.

189.

Defendant Bateson denies paragraph 189 of the First Amended Complaint.

190.

Defendant Bateson denies paragraph 190 of the First Amended Complaint.

191.

Defendant Bateson denies paragraph 191 of the First Amended Complaint.

192.

Defendant Bateson denies paragraph 192 of the First Amended Complaint.

193.

Defendant Bateson denies paragraph 193 of the First Amended Complaint.

194.

Defendant Bateson denies paragraph 194 of the First Amended Complaint.

195.

Defendant Bateson denies paragraph 195 of the First Amended Complaint.

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

196.

Defendant Bateson denies paragraph 196 of the First Amended Complaint.

197.

Pursuant to FRCP 38, Defendant Bateson demands trial by jury and requests his attorney fees and costs.

198.

Except as expressly admitted herein, Defendant Bateson denies each and every allegation in the Plaintiffs' First Amended Complaint.

* * * * *

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

199.

One or more of Plaintiffs' claim(s) fail to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Statute of Limitations)

200.

One or more of Plaintiffs' claims are barred for not having been filed within the applicable limitations period.

THIRD AFFIRMATIVE DEFENSE

(No Vicarious Liability)

201.

Defendant Bateson is not liable under the doctrine of vicarious liability for any acts or omissions of Choga.

///

///

///



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

FOURTH AFFIRMATIVE DEFENSE

(Failure to Mitigate)

202.

Plaintiffs have a continuous obligation to mitigate damages. Defendant Bateson is entitled to an offset of any damages attributable to Plaintiffs' failure to mitigate damages.

FIFTH AFFIRMATIVE DEFENSE

(First Amendment Constitutional/Oregon Constitutional Rights)

203.

Plaintiffs cannot sustain one or more claims against Defendant Bateson because they are based on conduct and/or statements that are protected by the First Amendment of the Constitution and/or the Oregon Constitution.

SIXTH AFFIRMATIVE DEFENSE

(Real Party in Interest)

204.

Some or all of Plaintiffs' claims are not properly asserted against Defendant Bateson.

SEVENTH AFFIRMATIVE DEFENSE

(Failure to Plead Facts Sufficient to Support Punitive Damages)

205.

Plaintiffs are not entitled to receive punitive damages because plaintiff has not pled facts sufficient to support such an award against Defendant Bateson.

* * * * *

RESERVATION OF RIGHTS

206.

Defendant Bateson reserves the right to add additional affirmative defenses as discovery proceeds.

* * * * *



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

FIRST COUNTERCLAIM

(Attorney Fees)

207.

Defendant Bateson should be awarded their attorney fees as provided by law, including applicable federal statutes related to defending this matter.

* * * * *

WHEREFORE, Defendant Bateson pray for judgment as follows:

1. That judgment be entered in favor of Defendant Bateson on all Plaintiffs' claims for relief;
2. That Dismissal be entered against Plaintiffs' First Amended Complaint with Prejudice;
3. That Defendant Bateson should be awarded all his costs and attorneys' fees as allowed by law; and
4. Such other relief as the Court deems proper.

DATED this 29th day of April, 2024.

ARNOLD GALLAGHER P.C.

s/ Gregory T. Lusby

GREGORY T. LUSBY, OSB #933490

Attorneys for Defendant Bateson



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188

CERTIFICATE OF SERVICE

I certify that on April 29, 2024, I served or caused to be served a copy of the foregoing **DEFENDANT TIM BATESON'S ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** addressed to the party or the attorney for each party as follows:

<p>Gilion C. Dumas Ashley L. Vaughn DUMAS & VAUGHN, LLC 3835 NE Hancock Street #GL-B Portland, OR 97212 gilion@dumasandvaughn.com ashley@dumasandvaughn.com <i>Attorneys for Plaintiff</i></p>	<p>Carol M. Merchasin Meghna Sridhar McALLISTER OLIVARIUS 641 Lexington Avenue, 13th Floor New York, NY 10022 cmerchasin@mcclaw.com msridhar@mcclaw.com <i>Attorneys for Plaintiff</i></p>
<p>Jeanne F. Loftis BULLIVANT HOUSER BAILEY PC 1 SW Columbia Street #800 Portland, OR 97204 jeanne.loftis@bullivant.com <i>Attorneys for Dzogchen Shri Singha Foundation USA, Inc.; Dzogchen Buddha Path International, Inc.</i></p>	<p>Kim E. Hoyt Breanna L. Thompson GARRETT HEMANN ROBERTSON PC P.O. Box 749 Salem, OR 97308 khoyt@ghrlawyers.com bthompson@ghrlawyers.com <i>Attorneys for Dzogchen Shri Singha of Portland</i></p>
<p>Matthew J. Yium FOSTER GARVEY PC 121 SW Morrison Street, 11th Floor Portland, OR 97204 matthew.yium@foster.com <i>Attorney for Erik Jung</i></p>	<p>Taylor Duty Joseph J. Haddad JJH LAW PC 1640 NW Irving Street Portland, OR 97209 taylor@jjh-law.com joseph@jjh-law.com <i>Attorney for Carrie Ure</i></p>
<p>Lori DeDobbelaere KILMER VOORHEES & LAURICK PC 2701 NW Vaughn Street #780 Portland, OR 97210 ldedobbelaere@kilmerlaw.com <i>Attorneys for Shannon Young</i></p>	<p>Daniel R Schanz SCHANZ LAWLER PC 825 Liberty Street NE Salem, OR 97301 dan@schanzlawler.com <i>Attorneys for Sean Young</i></p>

- ☐ by **mailing** a copy thereof to the address listed above.
- ☐ by causing a copy thereof to be **hand-delivered** to the address listed above.
- ☐ by sending a copy thereof via **overnight courier** to the address listed above.
- ☐ by **faxing** a copy thereof to the fax number listed above.
- ☐ by **emailing** a copy thereof to the email address listed above.
- ☒ by **electronic service** via the Federal Court's CM/ECF system.
- ☐ by **electronic service** via the State Court's OJD Odyssey File & Serve system.

ARNOLD GALLAGHER P.C.

/s/ Gregory T. Lusby

GREGORY T. LUSBY, OSB #933490
Of Attorneys for Defendant Bateson



ARNOLD
GALLAGHER

A PROFESSIONAL
CORPORATION

800 Willamette
Suite 800
P.O. Box 1758
Eugene, Oregon
97440-1758

541/484-0188